REMARKS/ARGUMENTS

Claims 1-32, 36-51 and 53-54 are pending in the present application. Claims 1, 5, 17, 36, 44, 47, and 49 are amended. Claims 33-35 and 52 are canceled. No claims are added.

With respect to all claim cancellations, amendments, and additions, Applicants are not conceding in this application that the subject matter of the claims prior to the cancellations, amendments, and additions is not patentable over the art cited by the Examiner. The present claim cancellations, amendments, and additions are made only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Reconsideration of the claims is respectfully requested.

I. Decision of Appeal

The Decision on Appeal dated December 21, 2010 reversed the Examiner's rejection of claims 1-32, 36-51, 53, and 54 under 35 U.S.C. 102(b) as being anticipated by Qixiang Sun, Reliable Multicast for Publish/Subscribe Systems (Master's Thesis), Massachusetts Institute of Technology (May 2000) ("Sun"). However, the Board made a new ground of rejection under 35 U.S.C. 112, second paragraph and rejected claims 1-32, 36-51, 53, and 54 as being indefinite. Applicants were given two months from the date of the decision to either reopen prosecution or request rehearing. Applicants have elected to reopen prosecution by submitting amendments to overcome the 35 U.S.C. 112 rejections.

II. The Boards' 35 U.S.C. 112 rejections

The Board rejected claims 1-32, 36-51, 53, and 54 under 35 U.S.C. 112, second paragraph stating the following:

> Claim 17 is representative of all the pending independent claims with respect to this rejection. The claim recites setting a timer for each subscriber of the at least one subscriber, and responsive to "the timer" expiring, sending a multicast message. "[T]he timer" lacks proper antecedent basis in the claim, because the claim specifies that "a timer" is set for "each subscriber" of the "at least one subscriber."
>
> Although claim 17 recites "at least one subscriber," the claim does not appear to cover the trivial case of only "one" subscriber, as the claim later specifies "a particular subscriber of the at least one subscriber" –i.e., the language

refers to at least two separate subscribers. In any event, a single timer for multiple subscribers, as claimed is inconsistent with the description of the invention as set forth in Figure 3 and at pages 12 and 13 of the Specification.

Claim 17 recites:

> A method for liveness monitoring in a publish/subscribe messaging system having at least one broker and at least one subscriber, the method comprising:
> sending a status request message from the at least one broker to a particular subscriber,
> responsive to the particular subscriber receiving the status request message from the at least one broker, setting a timer for the particular subscriber of the at least one subscriber, and
> responsive to the timer expiring, sending a multicast message claiming response to the at least one broker from the particular subscriber of the at least one subscriber.

Amended claim 17 now recites "a particular subscriber" so that the claim overcomes the indefiniteness rejection. Similar amendments have been made to the other independent claims and to claims 47 and 49 in order to clarify the time is the timer of the "particular subscriber."

## III.	Conclusion

The subject application is patentable over the cited reference and should now be in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: January 18, 2011   Respectfully submitted,

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